

REMARKS

The Office has required restriction in the present application as follows.

Group I – Claims 1-13 drawn to a composite rare earth anisotropic bonded magnetic comprising a mixture of powders each having specifically recited properties and each coated with a surfactant and

Group II – Claim 14-16 drawn to a method of making an anisotropic rare earth bonded magnetic by mixing the recited powders in resin and heating the mixture prior to heat molding and powder resin mixture.

Applicants elect, with traverse, Group I – Claims 1-13 drawn to a composite rare earth anisotropic bonded magnet comprising a mixture of powders each having specifically recited properties and each coated with a surfactant.

The Examiner has categorized inventions 2 and 1 as process of making and product made and in the instant case product can be made by materially different process such as compacting the recited powders in a magnetic field and impregnating the powder compact with a resin.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims.

While the Examiner recites a different process for making Applicants' anisotropic bonded magnet, he has cited no articles or scientific evidence to show that the alternate process can in fact be used to make Applicants' bonded magnetic hence the process cited by the Examiner is only conjecture on his part. For this reason the restriction is considered improper and should be withdrawn.

Moreover, the M.P.E.P. § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct and independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

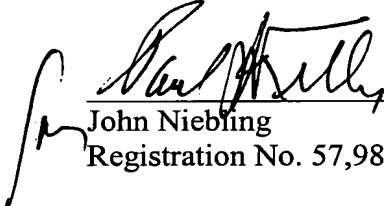
Accordingly and for the reasons presented above, Applicants submit the Office has failed to meet the burden necessary in order to sustain the restriction requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

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